

An Advance Directive is a Wellness Tool

Taking charge of your recovery from the symptoms of a mental illness can be empowering. Executing an Advance Directive will assure that even when your symptoms are severe the choices that are made about treatment are those you want.

Other useful resources:

National Resource Center on
Psychiatric Advance
Directives: www.nrc-pad.org

Temple University
Collaborative on Community
Inclusion:
<http://tucollaborative.org>

The Bazelon Center for
Mental Health Law:
www.bazelon.org

Disability Rights New Jersey:
www.drnj.org

DMHAS Website for the
Advance Directive is:

[http://www.state.nj.us/
humanservices/dmhs/
home/forms.html](http://www.state.nj.us/humanservices/dmhs/home/forms.html)

Available in English or Spanish



**New Jersey
Division of Mental
Health and Addiction
Services**

**Understanding Mental
Health Advance
Directives**

*Information for
Consumers and
Families*

2011

New Jersey Division of Mental
Health and Addiction Services
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Mental Health Advance Directives in New Jersey

Who needs a Mental Health Advance Directive (AD)?

Anyone can be rendered unable to make decisions because of a mental illness. Although anyone can develop a mental illness at any time, those most likely to need care when they cannot make decisions for themselves are people already diagnosed with a mental illness. Current and likely future consumers of mental health treatment can give comfort and security to their families and friends, and direct their own treatment no matter what their future decision-making capacity by completing an Advance Directive (AD) when they are capable of making decisions.

Who can execute an AD?

Any competent adult can execute an AD. In New Jersey, that means a person over 18 who does not have a guardian or a minor who has been emancipated by a court order or another event that establishes financial independence from his or her parents.

Is there a special form?

No, any form will do, but a hospital or agency can supply a form if you need one, and a member of the treatment team or a peer advocate can help you complete the form. You can also download a form at the DMHAS website (see back of brochure), sign and date your WRAP in front of a witness, or take a form from one of the other websites that give information about ADs. The requirements are that it is in writing, signed and dated, and there be one witness.

What should be included in an AD?

An AD can provide for a substitute decision-maker, or proxy, who will only be called upon if you become unable, according to at least 2 clinicians, to make a particular decision.

It can also state the person's preferred treatment including:

- ▶ religious preferences
- ▶ choices of medications
- ▶ crisis interventions
- ▶ peer support
- ▶ dietary preferences
- ▶ 12-step programs
- ▶ comfort interventions
- ▶ safety plans
- ▶ people who should or should not be called
- ▶ choice of doctor or hospital

It can also say what treatments are not acceptable and under what conditions some might be, in which case the proxy will have to follow the person's wishes as much as possible.

What is a Proxy?

A person appointed by a consumer to make decisions for him/her in the event that he/she becomes incompetent to make those decisions.

Do I have to carry it with me?

No, you can register the AD with the Division of Mental Health and Addiction Services by filling out a simple form and sending a copy to DMHAS. Then you, your proxy, or a mental health professional can get it in an emergency from Centralized Admissions at 609.777.0317. It's also a good idea to give a copy to a relative or friend, and to your chosen proxy.

Can I change or revoke my AD?

Yes, at any time, either by making a new AD or by telling a member of your treatment team, your proxy, or your doctor or lawyer that you want to change or revoke it. If you have registered the AD with DMHAS, you should also notify DMHAS that you have changed your AD. If you are an inpatient in a psychiatric facility, you can change or revoke your AD if your doctor says you are competent to change your mind at that time.

Will the hospital or agency honor the AD?

The hospital or agency will follow the AD if you have become unable to make decisions. The hospital or agency will attempt to transfer you for treatments if services are not available where you are. If the treatment you want is unavailable even with a transfer, or is not medically sound in your case, or would violate a court order or law, or if it would harm you or someone else, the hospital or agency will not honor the AD. Otherwise, the hospital or agency and your proxy have to follow your AD. Of course, in a life-threatening emergency there may not be time to provide the treatment you have chosen or to contact a proxy, but as soon as the emergency is resolved the hospital or agency will honor the AD.